

## **REMARKS**

### **STATUS OF CLAIMS**

Concurrently with filing of the RCE, claims 1, 4, 5 and 8-14 have been amended, and claim 3 has been canceled. Claims 1, 2, 4-10, 14, 22-26 and 30 are now active in this application. No new matter has been added. Claims 11-13, 15-21, 27-29, 31 and 32 are withdrawn from consideration as directed to non-elected species.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

Claims 1-3, 5-10, 14, 22-26 and 30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons (USPN 6,734,911) in view of Anderson (USPN 7,106,376).

Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons in view of Anderson, and in further view of Hanna et al. (USPN 6,714,665).

The rejections are respectfully traversed.

The Examiner has contended that restriction of the view angle, as disclosed in Lyons, results in a restriction in the depth direction. However, Lyons merely restricts a region to be captured, but does **NOT** restrict searching range in the input image, which has been already captured and input to the image data input unit. In addition, Lyons does **NOT** disclose or suggest extracting a partial image in which only objects in the searching range is shown.

As to Anderson, this reference does disclose or suggest not extracting a partial image in which only objects in the searching range is shown. Although the Examiner asserts that extracting the partial image is disclosed at column 8, 1-13 of Anderson, merely a technique for distinguishing the foreground and the background is described at this portion.

In contrast, an image processing apparatus of the present invention restricts searching range in the input image and extracts the partial image in which only objects in the searching range are shown. Consequently, a person of ordinary skill in the art would not have found the invention obvious over Lyons when considered in view of Anderson.

In addition, neither Lyons nor Anderson (nor Hanna et al.) discloses or suggests the problem to be solved by the present invention or advantages of the present invention. Namely, none of the cited reference discloses or suggests shortening the time for searching a main subject from the plurality of objects in the input image by searching the partial image, that has fewer objects, instead of input image.

To expedite prosecution, claim 1 has been amended to include the feature of claim 3, now canceled, and claims 4, 5 and 8-14 have been amended to depend from amended independent claim 3.

Since neither Lyon nor Anderson (nor Hanna et al.) discloses or suggests shortening the time for searching a main subject from the plurality of objects in the input image *by searching the partial image*, the references do not disclose or suggest a main subject detecting unit for *detecting the main subject from the partial image*, as now recited in amended independent claim 1 and independent claim 22.

Thus, features recited in independent claims 1 and 22 are not disclosed or suggested by either Lyons or Anderson (or Hanna et al.). Consequently, even if the teaching of Anderson were somehow combined with the disclosure of Lyons, the claimed inventions do not result. Thus, the allowance of claims independent claims 1 and 22, as amended, as well as of dependent claims 2, 4-10, 14, 23-26 and 30 is respectfully solicited.

### **REJOINDER**

If claims 1, 2, 3-10, 14, 22-26 and 30 are allowed, claims 11-13, 15-21, 27-29 will depend from allowed claims. In such case, withdrawal of the restriction requirement as to claims 11-13, 15-21 and 27-29 [non-elected species], as well as their allowance are respectfully solicited (see MPEP § 821.04 Rejoinder).

### **CONCLUSION**

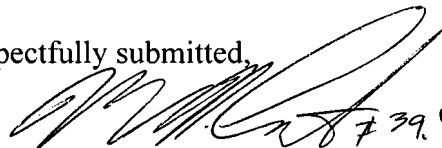
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise Reg. No. 34,523 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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